



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,800	01/15/2002	Mario Festag	M&N-IT 204	4756

7590 06/27/2003

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
----------	--------------

2833

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/047,800

Applicant(s)
Mario et al.

Examiner
Brigitte R. Hammond

Art Unit
2833



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 9, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 2833

DETAILED ACTION II

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2 ,5,6 and 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Babineau et al. Babineau et al. disclose an housing shaped shielding plate body 1 having first and second regions, said first region having a plurality of wall sections, wherein at least one of the wall sections has at least one elongated opening/slot 45 which allows electromagnetic waves to be coupled out of said plate body.

Regarding claims 5, 6,10 and 11, the slot runs at an angle to the longitudinal direction of the body and the body has upper 5 and side walls 3.

Regarding claim 9, the shielding plate forms a body.

Regarding claim 13, since the metal structure was not positively recited in claim 1, the limitation regarding the waves being “radiated into the metal structure” was not considered as a limitation and therefore given no patentable weight.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2833

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babineau et al. in view of Brench et al. Babineau et al. do not disclose the length of the slots being $\lambda/2$ of the electromagnetic waves emitted. However, Brench et al. discloses that it is well known in the art to adjust openings to the wavelengths for prevention of electromagnetic radiation escaping from the high frequency processor area (see col.1, line 67- col. 2, lines 1-5). Therefore it would have been obvious to one of ordinary skill to modify the shield of Babineau et al. by providing the length of the slots being $\lambda/2$ of the electromagnetic waves emitted so that electromagnetic radiation will escape as taught by Brench et al.

Regarding claims 4 and 7, Branch et al. do not disclose the slots running in a longitudinal direction of the shielding body. However, Brench et al. teach that it is well known in the art to adjust the openings for the purpose of radiations escaping.

It would have been obvious to modify the Babineau et al. invention by having the slots running in a longitudinal direction of the shielding body, since Brench et al teach that it is well known in the art to adjust the size of the openings for the purpose of allowing the EMI radiation to escape.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineau et al. in view of Tillotson. Babineau et al. do not disclose an absorbing material for absorbing electromagnetic waves. However, Tillotson discloses the use of an absorbing material 100 for absorbing electromagnetic waves. Therefore, it would have been obvious to one of ordinary skill

Art Unit: 2833

to modify the shield of Babineau et al. by including an absorbing material for absorbing electromagnetic waves as taught by Tillotson.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineau et al. in view of Jones. Babineau et al. do not disclose at least one of the wall sections being a rear wall. However, Jones discloses a shielding plate having a rear wall 6. Therefore it would have been obvious to one of ordinary skill to modify the shielding plate of Babineau et al. by adding a rear wall to add stability as taught by Jones.

Response to Arguments

7. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones 6,364,709, Dirkers 6,443,768, Flickinger et al. 6,178,096 and 6,524,134 were cited as similar shields.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is (703) 305-0032.

The examiner can normally be reached on Monday - Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays.

Application/Control Number: 10/047,900

Page 5

Art Unit: 2833

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Brigitte R. Hammond

June 23, 2003

P. Bradley
P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800